

File NR S2-29636
WR Doc ID 2147616

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
5/6/1998

WATER RIGHT NUMBER
S2-29636

MAILING ADDRESS
JUDITH LEONARD
147 POVERTY LANE
PORT ANGELES WA 98363-8675

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE
0.02

UNITS
CFS

ANNUAL QUANTITY (AF/YR)
0.34

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Domestic single (in house use only)	0.02		CFS		0.34	01/01 - 12/31

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS
0	0			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO				WATER RESOURCE INVENTORY AREA		
CLALLAM	SOL DUC RIVER	QUILLAYUTE				20-SOL DUC-HOH		

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
SOL DUC RIVER	103029130030	N/A	30N	10W	29	SE NE	48.06701	-124.02070

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

103029130030

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Parcel 3 Survey V2 P108 1979 14X56 TITAN S#409-114-S3735 -STG-.

Proposed Works

Water is pumped directly from the river using a 1 ½ hp pump (the intake is in a pool) to a pressure tank in a pumphouse. A one-inch diameter buried pipeline runs from the pumphouse to the residence. A second line runs from the pumphouse to a single-wide mobile home.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	October 1, 2014	October 1, 2016

Measurement of Water Use

How often must water use be measured?	Annually
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions**Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Fish and Wildlife Requirement(s)

Pursuant to Chapter 77.55 Revised Code of Washington (RCW), a Hydraulic Project Approval permit must be obtained from the Washington State Department of Fish and Wildlife prior to beginning construction of the diversion.

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S2-29636 subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

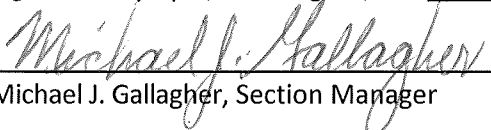
To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 28th day of May 2014.


Michael J. Gallagher, Section Manager

INVESTIGATOR'S REPORT

Application for Water Right -- Leonard

Water Right Control Number S2-29636

Tammy Hall, Department of Ecology

BACKGROUND

On May 1, 1998, Eugene and Judith Leonard filed *Water Right Application* S2-29636 requesting 0.02 cubic feet per second (cfs) and a 0.08 acre-feet per year (ac-ft) for domestic supply. This project is located in Water Resources Inventory Area 20, the Sol Duc-Hoh.

Attributes of Application

Table 1 Application Summary

<i>Name</i>	<i>Anthony and Susan Romberg</i>
Priority Date	5/1/1998
Instantaneous Rate	0.02 cfs
Annual Quantity	0.08 ac-ft
Purpose(s) of Use	Domestic Supply
Period of Use	Continuous use
Place(s) of Use	Parcel 3 Survey V2 P108 1979 14X56 TITAN S#409-114-S3735 -STG-

Table 2 Proposed Point of Diversion

<i>Source Name</i>	<i>Parcel</i>	<i>Twp</i>	<i>Rng</i>	<i>Sec</i>	<i>QQ Q</i>	<i>Latitude</i>	<i>Longitude</i>
Sol Duc River	103029130030	30N	10W	29	SE NE	48.06701	-124.02070

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are addressed in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, Ecology must make determinations on these four criteria in order to approve an application for water rights:

- Water must be available for appropriation.
- There must be no impairment of existing rights.
- The water use must be a beneficial use.
- Approving the application must not be detrimental to the public interest.

Public Notice

The applicant published public notice for this project proposal in the *Peninsula Daily News* of Clallam and Jefferson Counties once a week for two consecutive weeks beginning on February 22 and ending March 1, 2013. No protests or letters of concern in response to this notice.

State Environmental Policy Act (SEPA)

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- 1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
- 2) Groundwater applications requesting more than 2,250 gpm.
- 3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- 4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- 5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA.

INVESTIGATION

The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Topographic and local area maps.
- Notes from a site visit on March 18, 2014 and interview with Leon Leonard.
- WRIA 20 Watershed planning documents.
- Ecology's Surface Water Source Limitations (SWSL) list.

Project Area Description

The project is located in the Sol Duc-Hoh Water Resource Inventory Area (WRIA) 20 in the Sol Duc watershed. This watershed is in the northeast corner of the WRIA 20, completely within Clallam County.

The project area is roughly 30 miles west of Port Angeles, along US 101, at a place where the Sol Duc River has carved a relatively narrow floodplain. The Olympic Mountains are to the north and the south of the project area.

Project and Proposed Use

The Leonards own roughly 8 acres on the north bank of the Sol Duc River, within the 100-year floodplain designated by Clallam County. The Sol Duc River flows along the entire southeast boundary, where the river changes from flowing west to south, then west again as it crosses the property's southern tip.

The Leonard property is fairly level and triangular shaped, situated on a terrace, roughly 20 feet in elevation above the river. The surrounding property is wooded and sparsely developed.

See Attachment #1

The Leonards request to pump water from the Sol Duc River for domestic supply (in house use only) using an existing water system. Water is pumped directly from the river using a 1 ½ h.p. pump (the intake is in a pool) to a pressure tank in a pumphouse. A one-inch diameter buried pipeline runs from the pumphouse to a second pressure tank before serving the house. A 350-gallon storage tank will be hooked up to the water line after it leaves the pressure tank.

A second line runs from the pumphouse to a single-wide mobile home. Currently the mobile home is used for storage but will be disconnected from the system. There are also 2 outdoor spigots.

Water has been in use since before the Leonards purchased the property in 1983 and has always assumed water use from the river was permitted.

Water Demand

The application requested 0.02 cfs (9 gpm) and 0.08 ac-ft for domestic use. The water demand for a single residence for year-round use is roughly 0.34 acre-feet per year. However, since the residence is used mostly on weekends and for short periods of time during the summer months, actual water use will be much less.

Other Rights Appurtenant to the Place of Use

There are no water rights or claims appurtenant to the place of use under this application.

Beneficial Use

The proposed use of water for domestic supply is defined in statute as a beneficial use (RCW 90).

Water Availability

The proposed point of diversion is from the Sol Duc River. Water is available year-round.

Impairment Considerations

Effects to Area Water Users

A WRTS query shows three water right certificates issued for properties immediately downstream of the Leonards. The certificates are for domestic supply, in-house use only, from the Sol Duc River, the same as the Leonard's request and total 0.04 cfs and 1.81 ac-ft per year. Impairment of these water rights is not expected. There are no other water right certificates issued within ½ mile of the proposed Point of Diversion (POD)

Fisheries and In-stream flow Considerations

The Sol Duc River supports Chinook, and coho salmon; steelhead and rainbow trout; and other non-game fish (Salmonscape).

Although minimum instream flows have not been set in WRIA 20, the Washington Department of Fish and Wildlife (WDFW) has recommended denial and low flow provisions for several surface water right applications in WRIA 20 (Golder, 2010). This information is stated in Surface Water Source Limitation (SWSL) letters associated with water right applications and summarized in Table 3.

Table 3 SWSL recommendations for the Sol-Duc River

<i>Water Body</i>	<i>Priority Date</i>	<i>Recommendation</i>
Sol Duc River (tributary to Quillayute River)	February 27, 1992	Denial of application, concerns for Coho salmon
Sol Duc River (tributary to Quillayute River)	May 5, 1989	Recommended low flow provisions of 250 cfs October-June and 145 cfs July-September measured at Snider Creek Sanger Station Gage
Snider Creek (tributary to Sol Duc River)	January 11, 1993	Recommended low flow provisions of 215 cfs October-June and 145 cfs July-September measured at Snyder Creek Sanger Station Gage (Sol Duc River)

Historical streamflow data for the Sol-Duc River has been collected at Fairholm from 1917-1980, at Beaver 1921-1928, and at Quillayute Road Bridge 1897-1980. Current data is being collected near the Quillayute gage since June 2005. Three stream gaging stations have been operated by the USGS. Ecology installed a gage near the historical site of the USGS gage 12042500 in June 2005 in response to a request from the WRIA 20 Watershed Planning Group (Golder, 2010). Data collected shows SWSL recommended flows are not always met.

To spite concerns about stream flows in the Sol-Duc River, any proposed rule will allow surface water use for in house use only if no alternative source is available. In the project area, water use from wells is problematic as wells drilled produce little or no water and a public water system is not available. Water from the proposed source is the only source.

Public Interest Considerations***Consultation with the Department of Fish and Wildlife***

The Department must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water.

In a letter dated September 5, 2012, Steve Boessow, representing WDFW, recommended use of groundwater from a well, however, he did not object to Ecology approving this application.

Status of Watershed Planning

The planning group approved their watershed plan in late August 2008. The boards of county commissioners representing Clallam and Jefferson counties held separate public hearings in Port Angeles and Port Townsend, respectively, in September and October 2008. Commissioners from each county then held a joint meeting in Forks in November 2008, where they formally adopted the watershed plan.

As they move into Phase 4, the planning group will re-form as an implementing body consistent with their watershed plan. They will conduct outreach to increase citizen participation and to develop the best approach to write their detailed implementation plan.

The watershed plan addresses some policy-related instream flow recommendations but did not include any numeric recommendations on stream flow. The plan places high priority on developing improved stream gage and habitat data for use in developing the instream flow rule. The data are also important to fisheries management to sustain the current salmon habitat conditions, which are relatively better than other watersheds. Rule development will depend on agency resources.

Availability of an Alternative Source

There is no well or other alternative water source available. Wells drilled in the area are problematic being completed in glacial till and yielding little water. . There is also no public water system in this area that is able to serve the Leonard property.

A maximum diversion of .02 cfs and an average of 300 gallons per day, or 0.34 acre-feet per year, is adequate for in-house domestic supply. The proposed appropriation is consistent with local planning and will not be detrimental to the public welfare.

Beneficial Use

The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

Conclusions

I find that:

- Water is available from proposed source.
- Domestic use is a beneficial use.
- The appropriation, as recommended, will not impair existing rights or in-stream flows.
- Approval of this application will not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:


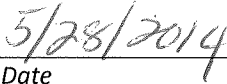
- 0.02 cfs
- 0.34 acre-feet per year
- Purpose: Single domestic in-house use

Proposed Point of Diversion:

- SW¼, NE¼, Section 29 Township 30 North, Range 10 W.W.M.

Place of Use

- As described on Page 1 of this Report of Examination.

	
Tammy Hall	Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Selected References

Golder Associates, Inc, 2005, Water Resource Inventory Area 20 (WRIA 20) Final Draft Phase II Technical Assessment Report, May 27, 2005.

Golder Association, Inc, 2009 Water Resource Inventory Area (WRIA) 20 Watershed Management Plan, June 2009.

Golder Association, Inc, 2010 Water Resource Inventory Area (WRIA) 20 Detailed Implementation Plan March 24, 2010.

Washington Department of Fish and Wildlife, 2014, Salmonscape,
<http://apps.wdfw.wa.gov/salmonscape/>

